

Entered - 03-05-99 - sb  
CL 99L0137- GWENDOLYN BURNS

CLAIM OF: LENBROOK SQUARE  
3747 Peachtree Road, NE  
Atlanta, Georgia 30319

01- R -1553

For property damages alleged to have been sustained as a result of a  
sewer back up at 3580 Piedmont Road, NE on February 16, 1999.

THIS ADVERSED REPORT IS  
APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY *Rob N. City DCA*

# DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0137

Date: September 12, 2001

Claimant /Victim LENBROOK SQUARE  
 BY: (Atty) (Ins. Co.) \_\_\_\_\_  
 Address: 3747 Peachtree Road, NE, Atlanta, Georgia 30319  
 Subrogation: \_\_\_\_\_ Claim for Property damage \$ Unspecified Bodily Injury \$ \_\_\_\_\_  
 Date of Notice: 2/25/99 Method: Written, Proper X Improper \_\_\_\_\_  
 Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ Ante Litem (6 Mo.) \_\_\_\_\_  
 Date of Occurrence 2/16/99 Place: 3580 Piedmont Road, NE  
 Department PUBLIC WORKS Division Sewer Operations  
 Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** Claimant alleges that it sustained property damages from a sewer back up. An investigation determined that the City responded to the back up in a timely manner and found grease deposits in claimant's service lateral line. The service lateral line was cleared and the mainline was degreased. Furthermore, the mainline was inspected and there was nothing found in the line that could have caused or encouraged a grease blockage. Lastly, the investigation showed that the grease blockage resulted from grease entering the system from the cafeteria located on claimant's property which is a violation of the City's grease ordinance (Atlanta City Code § 154-297). The operation of the City sewer system is a government function and the City is immune from liability as set forth in O.C.G.A. § 36-33-1.

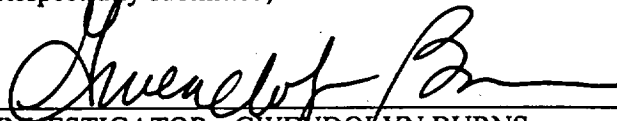
## INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X  
 Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X  
 Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
 Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_


## BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
 Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
 City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
 Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
 Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
 INVESTIGATOR - GWENDOLYN BURNS

## RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
 Claims Manager:  Concur/date 09-14-01  
 Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

BURNS  
03/04/99

Today's Date: 2/18/99

ENTERED - 3-5-99 - SB  
99L0137 - GWEN BURNS  
05:29 001

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ UNKNOWN AT THIS TIME property and/or  
\$ N/A bodily injury for which I contend the City is liable.

1. Date of incident: FEBRUARY 16, 1999 2. Time of Incident: 0730 AM 3. Police called: X  
(month/day/year) Yes No
4. Location of incident (including street address): 3747 Peachtree Road NE, ATLANTA, GA 30319
5. Name of your insurance company: HARTFORD Insurance Co Policy No. 42 UUV BGO 949 W
6. State what and how incident occurred: CITY OF ATLANTA SEWER BLOCKAGE CAUSED EXTENSIVE  
WATER DAMAGE TO ADMINISTRATIVE (1ST FLOOR) AND BASEMENT LEVELS OF SENIOR  
CITIZEN RETIREMENT COMMUNITY BY VIRTUE OF BACK-UP CAUSED BY BLOCKAGE

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL  
RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of  
repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by  
State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE  
INFORMATION IS TRUE AND CORRECT.

Richard J. Quast  
Signature of Claimant  
Assistant Administrator

Lenbrook Square

(Print Claimant's Name)

3747 Peachtree Road NE

(Address)

ATLANTA, GEORGIA 30319

(City, State and Zip Code)

(404) 233-3000

(Work Number)

(Home Number)

01-P-1553